IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE THIRTEENTH DAY OF AUGUST
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 14370 of 2004

Between:

Rayani Rajyalakshmi, W/o. Narasimharao,
R/o. Ramkur, J. Pangulur (M), Prakasam District.

..... PETITIONER

AND

1 Joint Collector, Prakasam District at Ongole.
2 Revenue Divisional Officer, Ongole, Prakasam District.
3 Mandal Revenue Officer, J. Pangulur (M), Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the order of the 1st respondent in Rc. CS/2739/2004, Dt. 8-8-2004 as illegal, irregular and violative of Art. 14, 19 and 21 of the constitution of India and AP Schedule Commodities (Regulation of Distribution by Card System) Order 2001 and set-aside the same and consequently suspend the operation of order passed by 2nd respondent in Rc.No. C/843/2004, Dt. 21-7-2004.

Counsel for the Petitioner:MR.SATYANARAYANA NIMMAGADDA

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court at the stage of admission made the following :

ORDER:

The petitioner is the authorized dealer of the Fair Price Shop of Ramkur Village, J. Pangulur Mandal, Prakasam District. Her authorization was suspended pending enquiry into certain alleged irregularities vide proceedings of the Revenue Divisional Officer, Ongole, the second respondent herein dated 21.7.2004. Aggrieved by the same, the petitioner preferred an appeal before the Joint Collector, Prakasam District at Ongole, the first respondent herein. This writ petition is filed against the order of the first respondent dated 8.8.2004 whereunder the first respondent while entertaining the appeal, preferred by the petitioner against the order of suspension pending enquiry, rejected the application for stay.

I have heard the learned counsel for the petitioner and the learned Government Pleader appearing for the respondents.

Learned counsel for the petitioner contends that all the allegations made against the petitioner are without any basis and at any rate they are trivial in nature and therefore, the first respondent is not justified in rejecting the application for stay of operation of the order of suspension, pending the appeal. A perusal of the impugned order dated 8.8.2004 shows that the said order has been passed mechanically without referring to any one of the contentions raised by the petitioner in his appeal and without assigning any reason for rejecting the stay application, pending the appeal. Having regard to the facts and circumstances of the case and particularly keeping in view the fact that the statutory appeal preferred against the order of suspension is pending, I am of the view that the balance of convenience is in favour of the petitioner and it would be appropriate to continue the petitioner to distribute the essential commodities till the disposal of the appeal.

Accordingly, the impugned order of the first respondent dated 8.8.2004 is set aside and the first respondent is directed to dispose of the main appeal pending on his file in accordance with law as expeditiously as possible preferably within a period of four (4) weeks from the date of receipt of a copy of this order. It is made clear that till the appeal is disposed of, the order of suspension dated 21.7.2004 shall not be given effect to.

With the above directions, the writ petition is disposed of. No costs.

G. ROHINI, J.

13th August 2004

Tsr.

To

1 Joint Collector, Prakasam District at Ongole.
2 Revenue Divisional Officer, Ongole, Prakasam District.
3 Mandal Revenue Officer, J. Pangulur (M), Prakasam District

4 Two CCs to Government Pleader for Civil Supplies, High Court Buildings, Hyderabad. (OUT).

5 Two CD copies.